

REMARKS

In response to the above-identified Office Action, Applicants respectfully request entry of the amendments set forth above and re-consideration of the Application in view of the following remarks. In this Response, Applicants amend claims 1, 25, 34-39, 41-57, 59-62, and 65-79, cancel claims 7, 40, and 64, and add new claim 82. Accordingly, claims 1-6, 8-39, 41-63, and 65-82 are pending in the Application.

I. Claim Objections

Claims 7, 30, 40, and 64 stand objected under 37 C.F.R. § 1.75 as being substantial duplicates of claims 6, 29, 39, and 63, respectively. Applicants have cancelled claims 7, 40, and 64, and traverse the objection of claim 30.

With respect to the Patent Office's objection that claim 30 is a substantially a duplicate of claim 29, Applicants respectfully disagree with the Patent Office's characterization of these claims. Claim 29 recites, "wherein the heuristics module is configured to solicit new responses to detected events based upon previous successful resolutions of similar detected events" and claim 30 recites, "wherein the heuristics module is configured to present suggested responses to detected events based upon previous successful resolutions of similar detected events" (emphasis added). Applicants submit that claims 29 and 30 are not duplicates of one another because to solicit new responses and to present new responses are different concepts. To solicit responses means to inquire or to request responses for consideration, whereas to present responses means to suggest or to offer responses for consideration. Therefore, Applicants submit that claims 29 and 30 are distinguishable from one another. Accordingly, Applicants respectfully request withdrawal of the objection of claim 30.

II. Claims Rejected Under 35 U.S.C. § 101

Claims 34-57 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have cancelled claim 40 and respectfully traverse the rejection of claims 34-39 and 41-57, at least in view of the amendments to claims 34-38 and 41-57.

Applicants have amended claims 34-39 and 41-57 to define "a computer-readable medium having stored thereon a sequence of instructions for decision analysis and resolution of an event

associated with a root cause, the instructions, when executed by a computing device, cause the computing device to perform a method comprising the steps of... .” Applicants submit that claims 34-39 and 41-57, as amended, are directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 34-39 and 41-57.

III. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 4, 9-11, 14-17, 19-21, 23-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,774 issued to Kidder et al. (“*Kidder*”). Applicants respectfully traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method for decision analysis and resolution comprising the step of “automatically resolving the event when the event can be resolved automatically” (emphasis added). Applicants submit that *Kidder* fails to disclose at least these elements of claim 1.

The Patent Office characterizes *Kidder* as disclosing a system that automatically creates and handles event reports and trouble tickets (*see* Paper No./Mail Date 20070326, page 3) and states that it “considers handling an event report as solving the event” (*Id.*, page 4, citing *Kidder*, Col. 4, line 44). Applicants respectfully disagree with the Patent Office’s characterization of *Kidder*.

Applicants reproduce Column 4, lines 43-50 of *Kidder*, below:

These tools automate network monitor procedures such as creating events, assigning alarm reports to events, creating trouble tickets against events, assigning trouble tickets to network monitors, tracking trouble tickets, updating alarm report status to indicate which alarm reports have been handled by a trouble ticket, and updating alarm report status to indicate which alarm reports have been cleared by the closing of an event.

Applicants submit that these tools disclosed by *Kidder* merely automate the administrative processes of creating an event (i.e., a problem) from alarm reports, tracking the progress of the event as it is being worked out, and closing the event when the problem has been fixed. There is no indication

that these tools themselves automatically resolve (i.e., fix) the event, only that the tools administratively monitor the event. In fact, *Kidder* states that:

The automated workflow system is a set of tools for interfacing network monitors, service management systems such as TMSs, and network management systems. The automated workflow system provides a graphical interface that supports the network monitors in generating event reports and providing trouble tickets to field engineers. (Col. 5, lines 55-61, emphasis added).

Furthermore, *Kidder* discloses that the TMS 205 is responsible for distributing trouble tickets to the field engineers for appropriate servicing” (Col. 6, line 66-Col. 7, line 1, emphasis added). Therefore, Applicants submit that the system in *Kidder* does not actually resolve or fix any problems, but rather, notifies field engineers of the problem, which field engineers then fix the problem. Thus, Applicants submit that *Kidder*’s recitation of “handling an event report” is the administrative processes related to the event reports and trouble tickets, and not to resolving the event (i.e., fixing the problem) itself because *Kidder* specifically discloses that field engineers, not the workflow system, resolve the event. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 4, 9-11, 14-17, 19-21, and 23-24 depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 4, 9-11, 14-17, 19-21, and 23-24 are not anticipated by *Kidder* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4, 9-11, 14-17, 19-21, and 23-24.

Regarding claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 (and 79, which was not specifically rejected), Applicants submit that each of these claims recite elements similar to claim 1 discussed above. Therefore, Applicants submit that claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 (and 79) are not anticipated by *Kidder* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 (and 79).

IV. Claims Rejected Under 35 U.S.C. § 103

A. *Kidder* in view of *Valadarsky*

Claims 2-3, 5-6, 8, 35-36, 38-39, 41, 59-60, 62-63, and 65 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of U.S. Patent No. 7,043,661 issued to Valadarsky et al. (“*Valadarsky*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 2-3, 5-6, 8, 35-36, 38-39, 41, 59-60, 62-63, and 65 each depend from an independent claim (i.e., independent claims 1, 34, and 58) discussed above with respect to the anticipation rejection based on *Kidder*. Applicants have discussed above the shortcomings of *Kidder* in teaching each and every element of independent claims 1, 34, and 58, and submit that such discussion is equally applicable to an obviousness rejection based on *Kidder*. The Patent Office relies on the disclosure in *Valadarsky* to cure the defects of *Kidder*; however, Applicants submit that *Valadarsky* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Valadarsky* as teaching or suggesting the elements of “automatically resolving the event when the event can be resolved automatically,” as recited in claims 2-3, 5-6, and 8 via independent claim 1, or similarly recited in claims 35-36, 38-39, 41, 59-60, 62-63, and 65 via independent claims 34 and 58. Moreover, in reviewing *Valadarsky*, Applicants are unable to discern any sections of *Valadarsky* disclosing such elements. Therefore, *Valadarsky* fails to cure the defects of *Kidder*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-3, 5-6, 8, 35-36, 38-39, 41, 59-60, 62-63, and 65.

B. *Kidder* in view of *Paradies*

Claims 5-6, 8, 12-13, 18, 22, 27-29, 31-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, and 75-76 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of U.S. Patent No. 6,463,441 issued to Paradies (“*Paradies*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 5-6, 8, 12-13, 18, 22, 27-29, 31-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, and 75-76 each depend from an independent claim (i.e., independent claims 1, 25, 34, and 58) discussed above with respect to the anticipation rejection based on *Kidder*.

Applicants have discussed above the shortcomings of *Kidder* in teaching each and every element of independent claims 1, 25, 34, and 58, and submit that such discussion is equally applicable to an obviousness rejection based on *Kidder*. The Patent Office relies on the disclosure in *Paradies* to cure the defects of *Kidder*; however, Applicants submit that *Paradies* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Paradies* as teaching or suggesting the elements of “automatically resolving the event when the event can be resolved automatically,” as recited in claims 5-6, 8, 12-13, 18, 22, via independent claim 1, or similarly recited in claims 27-29, 31-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, and 75-76 via independent claims 25, 34, and 58. Moreover, in reviewing *Paradies*, Applicants are unable to discern any sections of *Paradies* disclosing such elements. Therefore, *Paradies* fails to cure the defects of *Kidder*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-6, 8, 12-13, 18, 22, 27-29, 31-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, and 75-76.

V. New Claim

Applicants have added new claim 82 and submit that claim 82 recites elements not disclosed in the cited references, both individually and collectively.

VI. Miscellaneous

Applicants have amended claims 1, 25, 59-62, and 65-79 to clarify these claims, and not for reasons related to patentability.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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